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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,934	07/07/2000	Gal Ashour	ARC-00-0040-US1	7329

7590 03/26/2003  
Samuel A Kassatly  
6819 Trinidad Drive  
San Jose, CA 95120

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/611,934

Applicant(s)

Gal Ashour et al.

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01/17/2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other:  |

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**DETAILED ACTION**  
**RESPONSE TO AMENDMENT**

1. This Office action is in response to Applicant's Response filed on 01/17/2003.
2. Claims 1-17 are presented for examination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over He et al. (U. S. Pat. No. 6,088,451) in view of Hess et al. (U.S. Pat. No. 5,471,670).

As per claims 1, 2, 3 , 5-13 and 15-17 He discloses a system/method for securing access to network elements by user elements, wherein the network elements and the user elements are coupled to a network. A network security server coupled to the network security to control access to the network elements and protect network resources and information (which is seen to read as Applicant's claimed invention wherein it is stated that a system for assisting a user conducting a transaction on a secure site of a server to implicitly logoff), comprising:

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the server including:

a secure transaction protection module that tracks a user's access state to the server (see.,

abstract, lines 7-13, fig 2, please note that user credentials or privileges also include Web site);

a database in communication with the secure transaction protection module, for storing data to be accessed by the user (see., abstract, lines 14-16, col 2, lines 12-34);

an identification module for validating the user's access to the database (see., abstract, line 7-13, col 2, lines 12-34); and

a notification module for notifying the secure transaction protection module of a user's request to initiate a session on the server (see., col 31, lines 3038).

It is to be noted that He does not explicitly disclose wherein if the user exists the secure site, the notification module sends a message to the secure transaction protection module for implicitly logging off the user from the secure site (which is interpreted as if the user exits its initial site notify the central controller. However, Hess discloses a multiple site communication system for determining when hand off a communication that is occurring on one communication resource to another communication resource. When the system or unit exits initial site notify the central controller (see., col 5, lines 14-29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the security system of He by including the limitations detailed above because such modification would provide the security system of He with the enhanced capability of notifying when a user exists the central controller or (secure site).

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As per claims 4 and 14 He and Hess disclose the claimed limitation as stated in claims 1 and 2 above. It is to be noted that He and Hess do not explicitly disclose a cookie. However, the Examiner hereby take Official notice that Cookie is well-known in the art, and therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of He and Hess by including a cookie because it would provide with the enhanced necessary to control the network security based a cookie distribution.

However, Hess discloses a multiple site communication system/method for determining when to hand off a communication. When the communication exits its initial site notify the central controller (see., abstract, col 5, lines 13-29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the network security of He by including the limitation detailed above as taught by Hess because such modification would monitor and identify the communication resources using cookie security system.

### RESPONSE TO ARGUMENTS

5. Applicant's argument filed on 01/17/2003 have been fully considered but they are not persuasive.

### REMARKS

6. In response to Applicant's argument, Applicant argues that
- a. "obviousness can not be established by combining the teachings of the prior art to produce the claimed invention. When a rejection depends on a combination of prior art references, there must

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be some teaching, suggestion, or motivation to combine the references". The Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teachings, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also *In re Eli Lilly & Co.*, 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); *In re Nilssen*, 851 F. 2d 1401, 7USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); *Ex parte Clapp*, 227 USPQ 972 (Bd. Pat. App & Inter. 1985); and *Es parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) ( reliance on logic and sound scientific reasoning).

Also in reference to *Ex parte Levengood*, 28 USPQ2d, 1301, the Court stated that "Obviousness is a legal conclusion, the determination of which is a question of patent law. Motivation for combining the teachings of the various references need not to explicitly found in the reference themselves, *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Indeed, the Examiner may provide an

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explanation based on logic and sound scientific reasoning that will support a holding of obviousness.

In re Soli, 317 F.2d 941 137 USPQ 797 (CCPA 1963).

b. “ the office action does not address the existence of a secure transaction protection module that implicitly logs off the user from the secure site in response to the user exiting the secure site”. The Examiner respectfully disagrees because Hess a multiple site communication system for determining when hand off a communication that is occurring on one communication resource to another communication resource. When the system or unit exits initial site notify the central controller (see., col 5, lines 14-29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the security system of He by including the limitations detailed above because such modification would provide the security system of He with the enhanced capability of notifying when a user exists the central controller or (secure site).

### **CONCLUSION**

7. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner’s supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of Patents of Trademarks

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Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**OR**

(703) 305-9724, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth floor (receptionist).

The Official Fax Number For TC-3600 is:

**(703) 305-7687**



Pierre Eddy Elisca

Patent Examiner

March 24, 2003